

**Minutes of Meeting  
Grafton Planning Board  
January 14, 2013**

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A regular meeting of the Grafton Planning Board was held on January 14, 2013 in Conference Room A at the Grafton Municipal Center, 30 Providence Road, Grafton, MA. Present for the meeting were Chairman Stephen Qualey, Vice-Chair David Robbins, Clerk Michael Scully, Robert Hassinger, and Sargon Hanna. Staff present was Town Planner Stephen Bishop and Assistant Planner Ann Morgan.

Chairman Qualey called the meeting to order at 7:00 p.m.

**ACTION ITEM 1-A – APPROVAL NOT REQUIRED PLAN – ANR 2013-1 – ANDREA LELAND, AML LAW ASSOCIATED, LLC – 18 NELSON STREET**

Mr. Bishop reviewed the plan with the Board, noting the applicant was deeding the right-of-way strip of land up to the stone wall to the abutting lot.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to endorse the ANR and to authorize the Town Planner to sign the plan on behalf of the Planning Board. **MOTION** carried unanimously 5 to 0.

**REQUEST FOR PLANNING BOARD DETERMINATION & APPROVAL FOR MINOR MODIFICATION TO SPECIAL PERMIT SP 2001-8 SPRINT SPECTRUM LP, 200 WESTBORO ROAD – PETER FALES, C DAVIS ASSOCIATED, PETITIONER**

Mr. Robbins recused himself to the audience due to a conflict of interest.

Peter Fales, representing Sprint Spectrum LP, informed the Board that the applicant is requesting to modify its existing installation by installing one new unistrut frame which will hold three new radioheads; install one new DC distribution and fiber management enclosure; and replace two existing equipment cabinets. Mr. Fales added that Sprint will also be installing four conduits, noting that all of the work will take place on the existing concrete pad with no modifications to the existing tower.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Hanna, to determine that applicant's written request is a minor modification. **MOTION** carried unanimously 4 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to approve the applicant's written request for the minor modification for Special Permit SP 2001-8. **MOTION** carried unanimously 4 to 0.

Mr. Robbins returned to the Board.

**MINUTES OF PREVIOUS MEETINGS**

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hanna, to approve the open session minutes of December 10, 2012 with the corrections noted. **MOTION** carried unanimously 5 to 0.

## **CORRESPONDENCE**

Mr. Hassinger stated that Tufts University had filed a Request for Determination with the Conservation Commission regarding proposed construction of an eagle rehabilitation building and associated stormwater structures and wondered if they will also be filing a project plan review with the Planning Board. Mr. Bishop stated that he understood that to be their intention when a plan is ready to file.

Mr. Hanna asked if the CMRPC traffic study in their mailboxes was associated with the Dunkin' Donuts modification application. Mr. Bishop remarked that it was placed in the mailboxes at the request of Mr. Hassinger for its relevance to the project and to the area in general. Mr. Hassinger added that he was a large part of the process for the traffic study and is able to discuss how it may affect the project traffic concerns.

Mr. Hassinger also discussed other opportunities available to the Town regarding Local Planning Assistance time through the annual CMRPC assessment.

## **STAFF REPORT**

Mr. Bishop informed the Board that the EPA grant had been closed out, but the facility still remains in operation with some technical opportunity interest from Tufts University to partner with the site.

Mr. Bishop stated that through the Town Administrator's office, WBDC is looking at potential development possibilities for the North Grafton Route 30 corridor, including Institute Road and the State owned property and have submitted a draft study of the area. Mr. Bishop added this will be discussed with the Town Administrator where a final version will be compiled and he will then distribute this to the Planning Board.

## **PUBLIC HEARINGS**

### **SPECIAL PERMIT (SP 2012-14) LISA MCGRUFF – 11 WHEELER ROAD, NORTH GRAFTON – LICENSED ESTHETICIAN SPA/OFFICE**

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Applicant Lisa McGriff was present for the hearing.

Ms. McGriff informed the Board that she was seeking a special permit to open a home spa/office as a licensed Class 6 Esthetician, performing facials and waxing for customers coming to her home. Ms. McGriff noted customers will be one at a time by appointment only at approximate 30 minute intervals and she will be the only employee. Ms. McGriff added that there is parking available to 6 to 8 cars at her home.

Mr. Hassinger also asked the applicant about any planned signage and was told a small sign on the door coming into the spa/office entrance would be used. The Board reminded Ms. McGriff that the sign would be restricted to 2' x 2' square feet in a Residential zoned area.

Chairman Qualey asked to be shown where the office would be located and was told that it would be on the second floor as shown on the picture provided.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Scully, to direct Staff to draft a decision, taking into consideration all of the information received and the findings and conditions discussed.

**DISCUSSION:** Mr. Hassinger requested the applicable section of the Zoning By-Laws be referenced in the decision so it is clear exactly what the Board is permitting.

**MOTION** carried unanimously 5 to 0.

**SPECIAL PERMIT (SP2012-13) GARY CUNNINGHAM / SUNSHINE SIGN CO., INC. (APPLICANT) – MICHAEL AWDE / GRAFTON AUTO SERVICE, INC. (OWNER) – 101 WORCESTER STREET - SECTION 4.4.4.2.4 SIGN RELIEF**

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing were Gary Cunningham of Sunshine Sign Co., Inc. and Michael Awde of Grafton Auto Service, Inc.

Mr. Cunningham submitted revised plans to the Board consisting of sign type A, flagged left and mounted on the top of a 6' x 6" steel post and sign type B, mounted flagged in left from a 6' x 6" steel post. Mr. Cunningham noted that he had depicted the signs with an ambulance to show the available vehicle clearance with each sign type.

Mr. Awde submitted a copy of his supply delivery receipt showing the traffic pattern of the tanker truck through his station site.

Mr. Robbins stated that given the constraints of the site and the location of the pole, he was more comfortable with the pole being higher and flagged in, with less worry about any vehicles travelling under the sign.

Mr. Hassinger noted there was no scale on the plan he had received making it difficult to determine how much space was actually available on the site and what the current driveway openings are, which appear to be greater than what is allowed. Mr. Hassinger also expressed concerns for the sign type B being over the allowable framework for area, height and setback, increasing its non-conformity.

Mr. Awde argued that those issues had been discussed and debated at the last meeting and were no longer an issue to be raised at this meeting. Mr. Hassinger disputed that statement and insisted the issue had not been decided by the Board.

**MOTION** by Mr. Hassinger, **SECOND** by Mr. Robbins, to close the public hearing. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Robbins to direct Staff to draft a decision taking into consideration all of the information received and the findings and conditions discussed.

**DISCUSSION:** Mr. Hanna asked if the decision motion was granting Plan A or Plan B or just sign relief.

**MOTION** by Mr. Scully to direct Staff to draft a decision to grant sign relief for sign Plan B, as submitted.

There was no second to the motion.

David Glispin of 238 Brigham Hill Road stated he wished to speak on behalf of Mr. Awde. Chairman Qualey informed Mr. Glispin he could speak but that the hearing had been closed and the statements could not be considered as part of the record. Mr. Glispin stated that Mr. Awde had rejuvenated a blighted area of the Town and was trying to set up his business with much of the area non-conforming. Mr. Glispin added that in his professional opinion the Board should take the higher option of Mr. Awde bringing life back to the site.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hanna, to direct Staff to draft a decision granting sign relief for sign Plan A with the higher profile as submitted. **MOTION** carried 4 to 1 by roll call vote: Scully-aye; Hassinger-nay; Qualey-aye; Robbins-aye; Hanna-aye.

**MODIFICATION OF SPECIAL PERMIT (SP 1993-10) MICHAEL V. & BRIAN MARINO, TRUSTEES OF FIRST WESTBOROUGH REALTY TRUST, APPLICANT/OWNER - (D/B/A DUNKIN' DONUTS) – 72 WORCESTER STREET – RENOVATIONS, ADDITIONS & CONVERSIONS TO EXISTING BUILDING**

Mr. Scully read the legal notice and Chairman Qualey opened the public hearing. Present for the hearing were applicant Brian Marino, Attorney Peter Keenan, Engineer William Hannigan, and Traffic Engineer/Consultant Ronald Muller of Muller & Associates.

Attorney Keenan informed the Board that the Dunkin' Donuts has been operating in Town since 1993, that there has been yearly increasing of customer patronage, and that the current traffic flow, including the drive-thru, has become inadequate, frequently causing a back-up of traffic on Worcester Street. Attorney Keenan noted Mr. Marino is very concerned with the current safety issues and has come to the Town for help in securing modifications to the original special permit to alleviate many of the issues through renovations, additions and conversions to the existing site plan. Attorney Keenan added that if the redevelopment is approved and completed it will be beneficial for at least the next twenty years.

Mr. Hannigan submitted a site grading plan to the Board and stated that the site will be expanded by removal of earth at the rear of the lot and installation of a retaining wall; renovation of the existing storage building will accommodate the reconstruction of two drive-thru lanes replacing the existing single drive-thru lane; additional parking configuration, on-site traffic flow and a proposed stormwater management system & maintenance plan, all of which will vastly improve the traffic and maneuverability of the entire site.

Mr. Hannigan also submitted to the Board correspondence addressing the Graves Engineering peer review comments of January 3 along with a full size revised plan of the Revisions & Alterations proposed for the Dunkin' Donuts.

Mr. Robbins remarked that the project is proposing a significant amount of impervious coverage within the Water Supply Protection Overlay District and questioned if the Building Inspector would permit the changes. Mr. Hannigan noted that for the record the coverage was 64% and that the Building Inspector would review the proposed plan, working with the Conservation Commission and Town Engineer's recommendations. Mr. Robbins added that the Board will require that documentation before they will be able to close the public hearing.

Chairman Qualey asked if the restaurant will be open during construction or close for the renovations. Mr. Hannigan stated that they will begin working at the rear of the site and then move to the main building site, allowing them to remain open while renovating.

Mr. Hassinger pointed out the comments from the Building Inspector regarding the Van Accessible spaces. Mr. Hannigan acknowledged they were aware of the comments and would revise the plans accordingly.

Mr. Muller reviewed his traffic findings with the Board, specifically changes to significantly narrow the driveway exit to prevent any further entrance at this point. The Board discussed various mitigation strategies to alleviate some of the traffic flow issues, with Mr. Muller noting that all changes will require the approval of MA DOT.

Mr. Hassinger asked the status of the easements and was told that the easements have been executed. Mr. Hannigan added that a black chain link fence with black slats will be installed along the rear perimeter.

Mr. Qualey noted there were comments from the Assessor's Office, the Building Inspector and the Police Chief, who stated he was in favor of the project but had concerns for traffic problems from the increased customer flow. Mr. Hannigan informed the Board that all of these comments and problems have been taken into consideration and incorporated into the overall traffic plan for the restaurant renovations and the traffic flow on Worcester Street.

Mr. Robbins added that what is done now should not preclude what the Town may be doing some years down the road regarding the traffic mitigation for the area. Mr. Hassinger stated everything we can do should be done to address the lane situation and Mr. Hanna added that the new parking renovation will help the situation.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Hanna, to grant the applicant's written request to continue the public hearing to January 28, 2013 at 7:30 p.m. **MOTION** carried unanimously 5 to 0.

**MOTION** by Mr. Robbins, **SECOND** by Mr. Scully, to adjourn the meeting. **MOTION** carried unanimously 5 to 0.

The meeting was adjourned at 9:21 p.m.

## **EXHIBITS**

- **1B. Request for Planning Board determination & approval for Minor Modification to Special Permit SP 2001-8 Sprint Spectrum LP, 200 Westboro Road – Peter Fales, C Davis Associates, petitioner**
  - Correspondence from CDavis Associates, RE: SP 2001-8 // BS23XC374 – 200 Westboro Road, dated November 27, 2012; received December 7, 2012, 1 page
  - Decision, Grafton Planning Board, SP 2001-8, Consent Judgment; Sprint Spectrum LP, 200 Westboro Road, Grafton, MA; Town Clerk Date Stamp December 16, 2002; Worcester District Registry of Deeds Stamp - Book 28418, Page 283; 6 pages.
  - Plan Set; 200 Westboro Road, North Grafton, MA 01536; Prepared by KMB Design Group; Revision B; 11" x 17", dated October 26, 2012; including the following:
    - T-1 Cover Sheet
    - GN-1 General Notes
    - GN-2 General Notes
    - A-1 Compound Plan
    - A-2 Elevation
    - A-2 Equipment Plans
    - A-3A Equipment & Antenna Specifications
    - A-4 Antenna Plan (All Sectors)
    - S-1 Site Details
    - S-2 Site Details
    - RF-1 RF Schedule & Plumbing Diagram
    - E-1 Electrical Notes
    - E-2 Electrical & Grounding Details
    - E-3 One Line Diagram
- **Minutes of Previous Meeting**
  - Grafton Planning Board, December 10, 2012, 7 pages.
- **9A - Public Hearing, Special Permit (SP 2012-14) Lisa McGriff, 11 Wheeler Road, North Grafton, MA 01536 (Applicant)**
  - Application for Special Permit, dated December 2, 2012; received December 12, 2012; 1 page.
  - Application for Site Plan Approval, dated December 2, 2012; received December 12, 2012; 1 page.
  - Correspondence from the Applicant, not dated, received December 12, 2012, 1 page.
  - List of waiver requests, received December 12, 2012; 5 pages.
  - Site map, 8/ ½ x 11", color, not title, no date; received December 12, 2012; 1 page.
  - Residential Property Record Card Parcel Year 2013, 11 Wheeler Road; dated December 6, 2012, received December 12, 2012; 1 page.



- **9B - Public Hearing, Gary Cunningham / Sunshine Sign Co., In. (Applicant), Michael Awde / Grafton Auto Service, Inc. (Owner)**
  - Delivery Point / Distributor Bill, North Grafton Mobil, 101 Worcester Street Route 122, N. Grafton, MA; J&S Transport Co., Inc.; dated January 12, 2013, submitted by the Applicant at the Public Hearing on January 14, 2013, 1 page.
  - Site Photo ( 8 ½ x 11", color) and Site Plan Detail (11" x 17", black & white), showing distances from gas pump to existing sign; submitted by the Applicant at the Public Hearing on January 14, 2013, 1 pages.
  - Drawing and photograph prepared by Sunshine Sign, New Exterior Cabinet Sign Type A, 11" x 17, color, dated September 28, 2012, submitted by the Applicant at the Public Hearing on January 14, 2013, 1 page.
  - Drawing and photograph prepared by Sunshine Sign, New Exterior Cabinet Sign Type B, 11" x 17, color, dated September 28, 2012, submitted by the Applicant at the Public Hearing on January 14, 2013, 1 page.

Application for Modification of a Site Plan Approval, dated and received November 12,

- **9C - Public Hearing, Modification of Special Permit (SP 1993-10) Michael V. & Brian Marino, Trustees of First Westborough Realty Trust (d/b/a Dunkin' Donuts) (Applicant)**
  - Application for Modification of a Special Permit, dated and received November 12, 2012; 1 page.
  - Application for Modification of a Site Plan Approval, dated and received November 12, 2012; 1 page.
  - Correspondence from Hannigan Engineering, RE Modification of Special Permit (93-10) Site Plan Review – Dunkin' Donuts, 72 Worcester Street, Grafton, MA; Dated November 1, 2012; received November 13, 2012; 4 pages.
  - Petition for Modification of Special Permit and Site Plan Approval, Commonwealth of Massachusetts, Town of Grafton Before the Planning Board, prepared by Attorney Peter F. Keenan; dated and received November 13, 2012; 3 pages.
  - Decision, Town of Grafton Planning Board, Site Plan and Special Permit, SP 93-10, Consent Judgment; Town Clerk Date Stamp December 14, 1993; Worcester District Registry of Deeds Stamp - Book 16529, Page 163; 4 pages.
  - Site Development Plan, Renovations and Alterations, Dunkin' Donuts, Worcester Street in Grafton Massachusetts, November 1, 2012; prepared by Hannigan Engineering, Inc., 9 pages including the following:
    - Cover Sheet
    - Existing Conditions Plan
    - Site Grading Plan
    - Site Utility Plan
    - Construction Details – three sheets
    - Lighting Diagram

- Landscape Diagram
- Notice of Public Hearing, Grafton Conservation Commission; 72 Worcester Street; received November 16, 2012, 1 page.
- Project Review Memorandum, Assessor's Office, dated November 26, 2012, received November 27, 2012, 1 page.
- Project Review Memorandum, Sewer Department, dated November 26, 2012, received December 4, 2012, 1 page.
- Project Review Memorandum, Police Department, dated November 26, 2012, received December 20, 2012, 3 pages.
- Project Review Memorandum, Building Inspector, dated November 26, 2012, received December 28, 2012, 4 pages.
- Correspondence from Graves Engineering, Dunkin' Donuts, 72 Worcester Street, Site Plan / Special Permit Modification Review; dated January 3, 2013, received January 7, 2013; 3 pages.
- Site and Grading Plan, Prepared by Hannigan Engineering, Inc., November 1, 2012, 11" x 17", color; submitted during the Public Hearing on January 14, 2013, 1 page.
- Existing Conditions Plan, Prepared by Hannigan Engineering, Inc., November 1, 2012, 11" x 17", color; submitted by the Applicant at the Public Hearing on January 14, 2013, 1 page.
- Correspondence from Hannigan Engineering, Modification of Special Permit (93-10) Site Plan Review – Dunkin' Donuts, 72 Worcester Street, Grafton, MA; dated January 14, 2013; submitted by the Applicant at the Public Hearing on January 14, 2013; 5 pages.
- Groundwater Mounding Analysis – Dunkin' Donuts, 72 Worcester Street, Grafton Massachusetts, prepared by Hannigan Engineering, dated October 24, 2012, submitted by the Applicant at the Public Hearing on January 14, 2013; 16 pages.
- Site Development Plan, Renovations and Alterations, Dunkin' Donuts, Worcester Street in Grafton Massachusetts, November 1, 2012; revised January 14, 2012; prepared by Hannigan Engineering, Inc., submitted by the Applicant at the Public Hearing on January 14, 2013; 9 pages including the following:
  - Cover Sheet
  - Existing Conditions Plan
  - Site Grading Plan
  - Site Utility Plan
  - Construction Details – three sheets
  - Lighting Diagram
  - Landscape Diagram

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Michael Scully, Clerk